

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL No. 1456
)	
THIS DOCUMENT RELATES TO:)	Master File No. 01-CV-12257-PBS
)	
STATE OF NEVADA v. AMERICAN HOME)	Judge Patti B. Saris
PRODUCTS CORP., et al., Civil Action No.)	
02-12086-PBS)	

DEFENDANT ASTRAZENECA PHARMACEUTICALS LP's
MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca") respectfully moves this Court to grant summary judgment in favor of AstraZeneca as to all claims. The grounds for this motion are set forth in the Individual Memorandum of Law in Further Support of Defendant AstraZeneca Pharmaceuticals LP's Motion for Summary Judgment.

In support of its motion, AstraZeneca submits herewith the following: (i) Individual Memorandum of Law in Further Support of Defendant AstraZeneca Pharmaceuticals LP's Motion for Summary Judgment; (ii) Local Rule 56.1 Statement of Undisputed Material Facts in Further Support of Defendant AstraZeneca Pharmaceuticals LP's Motion for Summary Judgment; and (iii) Declaration of James J. Duffy in Support of the Individual Memorandum of Law in Further Support of AstraZeneca Pharmaceuticals LP's Motion for Summary Judgment.

WHEREFORE, AstraZeneca respectfully requests that the motion for summary judgment be GRANTED.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, AstraZeneca believes that oral argument may assist the Court in resolving the issues presented in this motion and respectfully requests that oral argument be heard.

Dated: February 8, 2007

Respectfully Submitted,

By: /s/ Katherine B. Schmeckpeper

Nicholas C. Theodorou (BBO # 496730)
Katherine B. Schmeckpeper (BBO #663200)
FOLEY HOAG LLP
155 Seaport Blvd.
Boston, Massachusetts 02210
Tel: (617) 832-1000

D. Scott Wise (admitted *pro hac vice*)
Michael S. Flynn (admitted *pro hac vice*)
James J. Duffy (admitted *pro hac vice*)
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212)-450-3800

*Attorneys for Defendant AstraZeneca
Pharmaceuticals LP*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that counsel for AstraZeneca attempted to confer with counsel for Plaintiff State of Nevada on February 8, 2007, in a good faith effort to resolve or narrow the issues set forth herein, and counsel to the Plaintiff indicated that Plaintiff does not assent to this motion.

/s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper

CERTIFICATE OF SERVICE

I, Katherine B. Schmeckpeper, hereby certify that a true copy of the foregoing document was served upon all counsel of record in the Nevada action electronically pursuant to Fed. R. Civ. P. 5(b)(2)(D) and CMO No. 2 on this 8th day of February, 2007, by causing a copy to be sent to LexisNexis File & Serve for posting and notification to all counsel of record.

/s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper